

November 5, 2010

Forrest Cole, Tongass Forest Supervisor
648 Mission St.
Ketchikan, AK 99901

Subj: Comments on the draft Tongass Integrated 5-Year Vegetation Plan

Dear Mr. Cole;

Thank you for the opportunity to provide comments on the draft *Tongass Integrated 5-Year Vegetation Plan* ("5-Year Plan"). While we have many concerns regarding the draft plan, we will use this opportunity to specifically address the long-term viability of the Alexander Archipelago wolf (*Canis lupus ligoni*, "wolf") on the Tongass – in particular on Prince of Wales Island (POW). Our concern for the wolf includes mortality related to road density and the continuing need to maintain sustainable populations of Sitka black-tailed deer (*Odocoileus hemionus sitkensis*, "deer") which generally are the wolves' primary prey and are also an important resource for local communities.

The Alexander Archipelago wolf is a subspecies of gray wolf endemic to Southeast Alaska whose individual island and mainland populations are geographically and genetically isolated from one another. Prince of Wales Island appears to be the center of endemism for this subspecies, representing a distinct population segment (Weckworth et al. 2005; Id. 2010; Iverson 1996¹). Forest habitats in the Tongass National Forest Southeast have been dramatically altered by timber production. Additionally, already-committed changes to forest conditions from past logging that will unfold over coming decades will continue to impact the species. On POW, the 5-Year Plan's heavy reliance on old-growth logging and the Plan's intent to build over 100 miles of roads² have the potential to greatly impact the wolf population. That population has suffered a recent sharp decline, according to new information. Concern over the decline is heightened by the fact that the region-wide populations of this endemic wolf species are not a functional metapopulation (Weckworth et al. 2005; Id. 2010). We take the recent wolf population decline on POW as an indication that the wolf populations elsewhere on the Tongass may be more easily impaired by timber and roading operations than the Forest Service has considered in the past in its various project-level and Forest Plan environmental impact statements.³ The 5-Year Plan's implicit increase in road density (which leads to increased wolf mortality through both legal and illegal take)

¹ "Viability Effects Writeups", March 14, 1996, TLMP planning record at JLM_510_0293: "Short term management concern may however, be heightened because evidence suggests that wolves on POW most likely represent a "distinct population segment."

² This is the combined mileage of roads for traditional timber sales, wildlife restoration projects and young growth projects in the draft 5-Year Plan.

³ One thing that needs to change is the Forest Service's reliance on an apparent current stability in a wolf population at some current time as an indication that concern for the population's future stability is unnecessary. (e.g. See TLMP FEIS at 3-238, saying: "GMUs 2 and 3 support some of the highest wolf densities in the state and populations are thought to be stable in GMU 2 and increasing in GMU 3 (ADF&G 2003).") That gives no qualifiers that past statistics may not be an indication of future status, and that for example committed but delayed impacts such as future canopy closure are a factor.

and decreases in winter habitat carrying capacity for deer (generally the wolves' primary prey) are of high concern in view of the existing degrees of fragmentation and loss of habitat on POW and the recent population decline. We believe that the impacts of the 5-Year Plan's program may cause to wolf viability are unjustifiable, absent clear proof to the contrary.

Among other problems with the 5-Year Plan, it does not provide any explanation of: how the scheduled projects fit into the Tongass Transition (which itself has been only vaguely described by the Forest Service); why particular areas have been chosen for projects; and how various projects (especially those of different types, i.e. on different 5-Year Plan spreadsheets) may be inter-related. It is impossible for the public to wholly determine the proposed character of the projects from the information provided on the spreadsheets. For example, is it intended for the Kuiu Stewardship project to cut old-growth forest? It would seem so from some of the information on the spreadsheet, but such intent needs to be made explicitly and to be explained with some detail. Another problem is that although some characteristics of each project are given (e.g. timber volume, acres, road miles), basic broad-scale characteristics of the wildlife analysis areas (WAAs) and value comparison units that will be affected are not provided (e.g. percent of the watershed already developed, existing road density, existing deer carrying capacity, etc.). Without such information, the public cannot reasonably evaluate the plan.

The current status of the Alexander Archipelago Wolf on Prince of Wales Island

It has come to our attention that there has been a recent, significant decline of the wolf population on POW. This decline is documented in the Alaska Department of Fish and Game's (ADF&G's) proposal to the Alaska Board of Game ("Board") to implement restrictions in the take of wolves in Game Management Unit 2,⁴ for consideration at the board's meeting later this month (*Attachment-1*, Proposal 18)⁵. As seen in Proposal 18, ADF&G requested the changes due to its on-going concern over the apparent wolf population decline. ADF&G currently estimates the wolf population on POW to be 150; down from the prior estimate of 300-350 made in the mid-1990s. The Forest Service did not anticipate this decline when preparing the 2008 Forest Plan; instead, population stability was projected forward. (See our footnote 3.)

While the population is currently estimated to be 150 wolves, according to the regional wolf expert, ADF&G's Dave Person, he has not yet verified this number through more accurate means such as radio collaring or DNA analysis of scats. (Dave Person, pers. comms., Aug. & Oct. 2010) During three months of field work on POW this summer, Dr. Person was unable to collect enough scats to do such an analysis, and the lack of scats "wasn't even subtle" (Id.). In his effort to find wolf sign on north-central POW he checked 11 dens (involving 5 packs), key wolf trails, and a road transect from Whale Pass to 12-Mile Arm and Thorne Bay to Winter Harbor (Id.). He found only a "small fraction" of the expected number of scats during this effort, and the only "activity indicating a large wolf pack was in Honker Divide just east of Logjam Creek and west of Lake Galea" (Id.). "Simply put there was usually no sign of wolf activity at the den sites" (Id.). "I cannot tell if any packs are extirpated. I saw signs of wolves in many places but the level of activity is very low compared with previous years (1992-2004)" (Id.). He said, "I won't speculate at this point about wolf viability because I need more data," and that he is placing 50 scent posts to help assess wolf

⁴ Game Management Unit 2 is comprised of POW and adjacent islands, and is the same area we refer to as POW in these comments.

⁵ Also available on pages 31-32 in: <http://www.boards.adfg.state.ak.us/gameinfo/meetinfo/2010-2011/southeast/crass-final9-7-10.pdf>

activity and help collect more scats toward a DNA population analysis (Id.). He is conducting other work in cooperation with the Forest Service to update his earlier modeling of POW wolf population dynamics "to project demographic viability into the future" (Id.). He suspects the illegal take of wolves and the contribution of high road density to that take are the primary causes of the apparent reduction of the wolf population (Id.).

ADF&G's reasoning is squarely on record that game regulations have in large part already been implemented for controlling wolf harvest; that getting timely and adequate regulations approved by both the Alaska Board of Game and the Federal Subsistence Board is often difficult; and that game regulations are an inadequate means for avoiding unsustainable wolf mortality at a project-level scale (*Attachment-2*, ADF&G letter to Forrest Cole). The 5-Year Plan is composed entirely of actions at that scale. ADF&G has a long-standing concern for the status of wolves on POW, "focused on the effects of habitat loss for deer in the predator/prey system, the cumulative effects of roads on hunting and trapping mortality of wolves, and adjusting harvest regulations to reduce long-term overharvest of wolves" (Id.). High road densities and altered habitat caused by logging on all land ownerships on POW "have profoundly changed the harvesting patterns of hunters and trappers, and increased the risk of unsustainably harvesting wolves" (Id.).

The current status of POW wolves' in relation to the 5-Year Plan and the Forest Plan

For the same reason – lack of data – that Dr. Person is presently unable to speculate on wolf viability, we believe it is also unreasonable for the Forest Service to speculate now on the amount of timber extraction or road building that POW – or particular places on POW – might be able to tolerate in the 5-Year Plan. The serious, newly intensified question of how to ensure wolf viability on the island needs to be resolved before the Forest Service schedules or otherwise plans projects that have the potential to contribute to a further decline of POW's wolf population or to confound the population's rebound. On the basis of the new information – unexpected by the Forest Service – that the wolf population has sharply declined, we believe the Forest Service has an obligation – right now – to begin preparing a supplemental information report (SIR)⁶ to determine whether a supplemental EIS (SEIS) to the Forest Plan should be prepared. An SEIS would evaluate possible Forest Plan amendments that would better protect wolf viability and contribute to reversing the population decline. Optionally, the SEIS could be commenced without a SIR and this would save time and effort.

⁶ A NEPA document is no longer adequate when "[t]here are significant new ... circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts." 40 CFR § 1502.9(c)(1)(ii). "Reliance on stale scientific evidence is sufficient to require re-examination of " a NEPA document. *City of Carmel-by-the-Sea v. U.S. Dep't of Transp.*, 95 F.3d 892, 900 (9th Cir. 1995) (citing *Seattle Audubon Soc'y v. Espy*, 998 F.2d 699, 704-05 (9th Cir. 1993)). At that point the agency must wait until it has supplemented the EA or EIS with new information before taking further action based on the outdated NEPA document. 40 C.F.R. § 1502.9(c)(1)(ii), emphasis added.

The Ninth Circuit has also emphasized the need to update environmental analyses. "A federal agency has a continuing duty to gather and evaluate new information relevant to the environmental impact of its actions. . . . [W]hen new information comes to light the agency must consider it, evaluate it, and make a reasoned determination whether it is of significance as to require formal NEPA procedures." *Warm Springs Dam Task Force v. Gribble*, 621 F.2d 1017, 1023-24 (9th Cir. 1980), emphasis added. After preparing a NEPA document, the agency "must be alert to new information that may alter the results of its original environmental analysis, and continue to take a 'hard look at the environmental effects of [its] planned action, even after a proposal has received initial approval." *Idaho Sporting Congress v. Dombeck*, 222 F.3d 552, 557 (9th Cir. 2000) (quoting *Marsh v. Oregon Natural Resources Council*, 490 U.S. 360, 377 (1989)), emphasis added.

We request that the agency now begin preparing either a SIR or an SEIS, and to incorporate in it forthcoming information from Dr. Person's on-going efforts and from the Wolf Habitat Management Program which the Forest Service has recently initiated for POW.⁷ The SIR or SEIS needs to evaluate all aspects of the related issues, including wolf mortality, road density, the capacity of habitat to support prey, and the needs of local communities for deer.

Road density considerations

Wolves on POW in particular have a history of heavy harvest which, as discussed above, is thought to be facilitated by the high density of roads which provide easy access to remote parts of the island. Despite the institution of a harvest cap in 1997 the wolf population has declined, as mentioned, from 300-350 animals to perhaps 150. While ADF&G has recently proposed further restricting harvest toward avoiding further decline, a substantial amount of the wolf harvest goes unreported, and thus regulations may prove ineffective (*Attachments 1 & 2*). Because the 5-Year Plan calls for the construction of more roads – which facilitate the overexploitation of wolves on POW – it can be expected to exacerbate the problem.

The draft 5-Year Plan proposes the construction of 103 miles of road on POW, including 68 miles from traditional timber sales and 35 from wildlife restoration projects and young growth projects.

We believe the Forest Service should not schedule, plan or conduct further road construction on POW until the issue of wolf viability on POW has been resolved, and we so request.

Deer carrying capacity considerations

The 2008 Forest Plan is fundamentally flawed because the consideration of wolf viability which underlies it is based in large part on an inaccurate analysis of deer winter habitat carrying capacity. An adequate analysis of deer carrying capacity is essential for supporting both wolves and the needs of local communities for deer. This need is recognized in the Forest Plan's wolf standards and guidelines.

Although the Forest Service claims that its Forest Plan deer carrying capacity analysis is conservative because a zero carrying capacity was assumed for non-federal lands (TLMP FEIS at 3-266), that assumption is negated by the agency's second assumption that (apparently because of the first assumption) the non-federal lands can be simply and entirely ignored when calculating the capacity (TLMP FEIS at 3-267). The two pie charts in *Attachment-3* illustrate why this approach in the 2008 Forest Plan is faulty, and how it misled the process of creating the Forest Plan by overestimating the remaining deer carrying capacity, and conversely by underestimating the overall cumulative impact of past logging across all land ownerships.

Another illustration of the error is provided in *Attachment-4*, an excerpt from the 2008 Forest Plan appeal by Sitka Conservation Society and others. This uses Long Island (part of the POW archipelago) as a clear example of the error in evaluating deer carrying capacity. Long Island is a good example because: it comprises an entire WAA (wildlife analysis area) all by itself; the deer model is generally applied on the scale of one WAA; and approximately 75% of the Long Island is non-federal land which was almost entirely clearcut around 20 years ago. The Forest Plan analysis claims, despite this old-growth habitat loss, that Long Island

⁷ See Attachment-2.

still retains 99% of its deer winter carrying capacity, and that it will continue to do so throughout the 100 year time horizon viewed by the plan. (See: the listing for WAA 1106 in TLMP FEIS at 3-269.) Clearly, this miniscule calculated loss of carrying capacity is incorrect because the loss of old-growth habitat has been extensive on the island. The error arose because the Forest Service considered only the 25% of the island that is federal and the small amount of development which has occurred on that portion. The Forest Service then reported the carrying capacity per square mile of its portion of the island as the capacity per square mile of this whole, dramatically-altered WAA. In order to implement the Forest Service's professed assumption of zero carrying capacity on the non-federal land within a WAA, the acreage of the non-federal lands must be included in the calculation, even though the assumed carrying capacity on them is zero. The error illustrated by the Long Island example is that when this is not done, the operative assumption is instead that federal and non-federal lands have identical carrying capacities. In general, this causes the carrying capacity of WAAs with non-federal land to be overestimated, or conversely the loss of their carrying capacity to be underestimated.

Attachments 3 & 4 exemplify a significant problem with Forest Service planning for Prince of Wales Island, which has a substantial amount of non-federal land. As well, they illustrate the same problem for other areas on the Tongass that are both occupied by wolves and have significant amounts on non-federal land ownership. *Attachment-5* is a table showing the amounts and proportions of non-federal land in most of the WAAs on POW (omitting those that are all federal). It is based on 1992 data from the Forest Plan planning record, which is the most recent WAA land ownership data that we could find.⁸ Even though the table is not entirely up to date, it provides a reasonable impression of the severity of the error. In many of POW's WAAs the percentage of non-federal land is significant, yet the existing and anticipated future losses of deer carrying capacity on those lands were greatly underestimated by the Forest Service in reaching its decision on the 2008 Forest Plan. The draft 5-Year Plan is also based on those significant underestimations.

This is a critical problem for the wolves on POW because each WAA contributes to the sustainability of the island's distinct wolf population, and it is also a problem for local communities that depend on deer. It is crucial that the Forest Plan and the 5-Year Plan be based on a deer carrying capacity analysis that is free of errors. Correction of the carrying capacity analysis and reconsiderations of the Forest Plan and the 5-Year Plan are necessary.

A true transition for the Tongass, or two forest industries and a coming bust?

The present opportunity for a transition of the Tongass timber industry is a unique, one-time occurrence. It is important that this opportunity be used to bring about a "true transition," rather than simply "creating a second industry" based on restoration while the old-growth industry substantially continues operation. A true transition away from old-growth would shift existing jobs to restoration work that spares remaining old-growth, thereby providing for security of employment and the stability of communities. However, creating a second, concurrent industry to do the restoration work could potentially lead to a bust in the future when old-growth jobs come to an end, because jobs in the new industry will already have been filled and the communities will have expanded accordingly. POW needs a true transition, not a transition in name only that leads to a bust. The latter scenario is a bust all-around, including for the Alexander Archipelago wolf which, already in decline

⁸ The table is not entirely accurate, as additional lands have been conveyed from the Tongass to other owners since 1992, and there have been some land swaps. However, the table gives a good indication of the problem. We encourage the Forest Service to publish up-to-date land ownership data by WAA.

on the island, would suffer from further increased road density and further loss of habitat for its primary prey. This bust must be avoided, and true transition conceived.

Conclusion

The choice before the Forest Service now is between a true transition and the bust outcome just described. It appears so far, from the 5-Year Plan and what little information the Forest Service has provided about its intent for the transition, that the latter path is being chosen. We believe the wolf's present status intensifies the reality that has prompted your agency to propose a transition in the first place. It is time to consider the two paths we have described.

Important elements of that consideration are correcting the Tongass-wide, WAA-based deer carrying capacity analysis (which can be done immediately) and producing at least some initial results from the Wolf Habitat Management Program on POW as soon as possible. This information will facilitate making necessary adjustments to the Forest Plan and 5-Year Plan. We request that you immediately commence work on a SIR or SEIS for the Forest Plan, in order to make those adjustments.

Meanwhile, current facts regarding the Alexander Archipelago wolf and the need to provide for community stability militate against the as-drafted 5-Year Plan and its embodiment of the Tongass transition. A true transition is needed instead.

Sincerely,

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Verified signatures on request.

Attachments:

1. ADF&G 's Proposal 18 for the November 2010 meeting of the Alaska Board of Game.
2. Letter from Neil Barten (Acting Region 1 Supervisor, Wildlife Division, ADF&G) to Tongass Forest Supervisor Forrest Cole, May 4, 2009.
3. Two charts illustrating the correct method and the flawed method used by the Forest Service for applying the assumption of zero deer carrying capacity on non-federal lands.
4. An explanation of the Long Island example of the error in accounting for non-federal lands when estimating the deer carrying capacity of WAAs. Extract from the May 2008 appeal of the Forest Plan by Sitka Conservation Society and six other organizations.
5. A table showing the proportion and acreage of non-federal lands in POW WAAs. The data is from 1992, in the Forest Plan planning record at JLM_016, pp.1977-1982.

References not attached:

Iverson, C., (1996). Viability Effect Writeup, March 14. 1997 TLMP planning record at JLM_510_0293.

Weckworth BV, Talbot SL, Cook JA (2010). *Phylogeography of wolves (Canis lupus) in the Pacific Northwest*. Journal of Mammalogy (91:2, p.363-375).

Weckworth BV, Talbot S, Sage GK, Person DK, Cook J (2005). *A signal for independent coastal and continental histories among North American wolves*. Molecular Ecology (14:4, p.917-931).

Attachment - 1

Prince of Wales – Unit 2

PROPOSAL 18– 5AAC 84.270. Furbearer trapping; and 5 AAC 92.170. Sealing of marten, lynx, beaver, otter, wolf, and wolverine. Modify wolf regulations in Unit 2 to: 1) Reduce annual bag limit for wolf trapping from unlimited to 10 wolves/season; and 2) Require sealing within 14 days of harvest.

5 AAC 84.270. Furbearer trapping.

Species and Units	Open Season	Bag Limit
(13) Wolf		
Units 1 and 3 - 5	Nov. 1 - Apr. 30	No limit.
Unit 2	Dec. 1 - Mar. 31	<u>10 per season.</u> [NO LIMIT.]

5 AAC 92.170. sealing of marten, lynx, beaver, otter, wolf, and wolverine. ...

(b) The sealing of marten, lynx, beaver, land otter, wolf, or wolverine must be accomplished as follows:

- (1) wolf (in Unit 2) taken by trapping must be sealed on or before the **14th** [30th] day after the date of taking;

ISSUE: The department is concerned about a decline in the wolf harvest in Unit 2, which we believe is indicative of a decline in wolf numbers. Wolf researchers on POW Island have noted a substantial reduction in the amount of wolf sign (e.g., scats, tracks, denning activity). Harvests have declined from a high of 131 wolves reported in 1996, when populations appeared to number 300-350, to a low of 18 wolves reported in 2009. Local trappers have noted lower populations as well.

Biologists and the public on POW have also encountered wolf snares and leghold traps left in the field after seasons have closed. This has resulted in unnecessary deer mortality and presumably unreported wolf and bear mortality as well. State regulations require trap/snare markers but this is not required under federal subsistence regulations, which makes enforcement challenging and problematic.

The passage of this proposal will have little to no immediate effect on wolf populations since the majority of Unit 2 trappers currently operate under federal regulations. However, ADFG sees this proposal as a step toward recognition of a population concern and will begin collaborating with the US Forest Service to pass stricter federal regulations that more closely mirror state regulations.

At this time, the department does not have a reliable population estimate for wolves in Unit 2. But it is probable that wolf numbers are half of the 300-350 that was estimated when the department had reliable data (mid-1990s). Per 5 AAC 92.008 (1) we have set a harvest cap of 30% of the estimated wolf population. Our estimate of 150 wolves would then allow for a harvest cap of 45. The department intends to set this as its updated cap.

WHAT WILL HAPPEN IF NOTHING IS DONE? The department is concerned about the long-term sustainability of this population. The Alexander Archipelago wolf is a distinct subspecies and extremely low population numbers could potentially trigger listing as a threatened or endangered species.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Reducing the bag limit to 10 wolves/year will spread opportunity between trappers. Requiring sealing within 14 days will allow quicker in-season management by the department, which is going to be important given a reduced harvest cap.

WHO IS LIKELY TO BENEFIT? If wolf populations can be stabilized it could lead to increased trapper opportunities and avoid the potential for listing as a threatened or endangered species.

WHO IS LIKELY TO SUFFER? The majority of harvested wolves are trapped by a few dedicated trappers who take on average more than 10 wolves each per season. This proposal could lead to reduced opportunity for them.

OTHER SOLUTIONS CONSIDERED? The department will be lowering the harvest cap on wolves in Unit 2. Harvest cap guidelines are for the harvest of no more than 30% of the total fall population. The department intends to set a revised harvest cap of 45 wolves.

Encourage USFS to adopt similar regulations including marking of traps/snares.

PROPOSED BY: Alaska Department of Fish and Game

LOG NUMBER: ADFG081610B

PROPOSAL 19 - 5 AAC 92.510. Areas closed to hunting. Close the Dog Salmon Creek area to bear hunting in Unit 2:

The Dog Salmon Creek drainage within one mile of Dog Salmon Creek downstream from the wildlife viewing platform within a one-mile radius from the mouth of Dog Salmon Creek at Polk Inlet, is closed to taking any bear.

Attachment - 2

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

DIVISION OF WILDLIFE CONSERVATION

SARAH PALIN, **GOVERNOR**

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Mr. Forrest Cole
Forest Supervisor
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4 May, 2009

Dear Mr. Cole:

Thank you for your letter of April 13 concerning ADF&Gs comments on wolf conservation as they relate to timber sales. I hope with this letter I can accomplish 2 objectives: 1) clarify our position concerning wolf conservation in game management unit 2 to help you understand the basis of our comments; and 2) give some thought to revisiting the wolf habitat management assessment planning effort that began in 1999 but has been fallow since.

First, to address the concerns you pointed out in your letter, two statements in our 2006 wolf management report made by our area biologist for GMU 2, Boyd Porter, require explanation. We are not seeking to increase wolf harvest in unit 2. We have not changed regulations concerning wolf harvest in the unit since 2002 except to end the requirement for trappers to submit leg bones for aging. We did that because the age data did not provide us with a reliable indicator of harvest intensity. The statement in the management report that you reference concerning the wolf hunting season returning to previous dates only applies to GMUs 1, 3 and 5 and does not apply to unit 2. The inclusion of the statement in the report was a mistake arising from copying paragraphs common to all units into a series of unit reports. During the report edit phase we simply failed to delete the statement from the unit 2 report. The second statement in the management report to which you refer states our desire to increase wolf harvest in unit 2 by 12%. That comment refers to the anticipated effect of longer Federal hunting and trapping seasons on reported wolf harvest. We believe reporting of harvested wolves declined somewhat after we closed the hunting and trapping season by emergency order in 1999. Consequently, we believe our harvest data are less reliable after 1999 and we are hoping the changes in the Federal season will improve that situation. We do not expect or desire that the changes increase actual harvest only what is reported.

Our department has been concerned about the conservation of wolves in unit 2 for over a decade. That concern has not changed and is still focused on the effects of habitat loss

for deer on the predator-prey system, the cumulative effects of roads on hunting and trapping mortality of wolves, and adjusting harvest regulations to reduce risks of long-term overharvest of wolves. Wolves in the unit are a genetically isolated population warranting special management consideration by our respective agencies. Moreover, logging on federal, state, and private lands in unit 2, particularly in northern and central portions of Prince of Wales Island, has altered forest habitat and created high densities of roads. Those roads have profoundly changed the harvesting patterns of hunters and trappers, and increased the risks of unsustainably harvesting wolves. The Alaska Board of Game and ADFG took action in 1996 to shorten hunting and trapping seasons and to place a harvest quota on wolves. That quota was enforced in 1999 when we closed the trapping and hunting season prematurely by emergency order. The Tongass Land Management Plan specifies that the conservation of wolves is a joint effort between our agencies. Clearly, the department and the Board of Game have already taken actions through regulation to try and keep wolf harvest at sustainable levels in unit 2. Nonetheless, high levels of illegal harvest of wolves (and other species) and the continued proliferation of roads erodes our ability to successfully control harvest over the long term through regulation. Changing regulations that effectively control harvest is made even more challenging because most of unit 2 is subject to Federal Subsistence regulations. Indeed, almost all wolves harvested in the unit are killed by federally regulated subsistence hunters and changes in state regulations are relatively ineffective unless also adopted by the Federal Subsistence Board. The only substantive changes to wolf harvesting regulations in recent years have come from the FSB, which has sought to expand opportunities for local hunters to kill wolves. Dave Person expressed many of these concerns in an e-mail to Marla Dillman (4/1/2008), however, the comments never found their way into the draft EIS. In fact, the DEIS incorrectly stated that ADFG did not have concerns about wolf mortality within the sale area.

We have concerns about the effects of roads in unit 2 on other species as well. The Board of Game recently restricted nonresident hunters from using motor vehicles to access hunting areas during September when the potential for killing female black bears is higher. Ironically, that regulation change was opposed by some Forest Service staff during an interagency meeting held on Prince of Wales Island in early 2009. The Federal Subsistence Board expressed concerns about access afforded by roads on the harvest of deer in unit 2 and passed regulations restricting non-rural hunters from hunting deer in the roaded portions of Prince of Wales Island during early August. Indeed, the interagency Unit 2 Deer Management Plan emphasizes the concern that ferry and road access increases competition between local and non-local hunters for deer and could result in unsustainable deer harvest.

The Logjam sale area overlaps the home range of the Honker Divide wolf pack. That group has been documented to be a source population supplying dispersers that re-colonize neighboring territories within roaded watersheds made vacant by harvest. In addition, TLMP emphasized the importance of connectivity between reserves and highlighted the relatively undeveloped corridor connecting the Sarkar LUD 2 area and the Honker Divide old-growth forest reserve. That feature was an important consideration when the U. S. Fish and Wildlife Service ruled that the petition to list

wolves in SE Alaska was unwarranted because TLMP offered a potential land management template that might successfully conserve wolves, particularly on Prince of Wales Island. The Logjam sale area proposes new roads, reconstruction of old roads, and timber harvesting within that corridor. Consequently, we have concerns that road access may impact the connectivity between two of the major OGRs in central POW Island.

Where do we go from here? The department cannot effectively regulate hunting and trapping seasons at the scale of single timber projects. The scale is too small and enforcement is impractical. In addition, the process of changing regulations requires agreement between the BOG and FSB to have any effect. We can only propose regulations to the BOG and FSB and there is no guarantee they will be adopted.

Attempting to implement that process for every timber sale project proposed in unit 2 would be impossible. We interpret the language in TLMP concerning managing wolf mortality to imply consideration of 3 possible steps, harvest regulations, habitat management, and road management. However, we do not believe all of those measures are appropriate at every scale. The cumulative impact of roads from numerous sales will prompt regulations change (which we have already done) but road and habitat management are the only appropriate and effective steps at the project level.

Therefore, we would be happy to discuss the option of working on a wolf habitat management plan for unit 2. Perhaps, we should consider the draft plan begun in 1999 involving our habitat division, the USFWS, and your staff. We just recently received an email from Trish O'Conner about revisiting this plan, and agree that it would be a worthwhile venture. Given the momentum that is behind this issue currently, we suggest continuing this effort with your agency beginning with the revisit of the 1999 plan. If you have further questions regarding this issue please feel free to contact me.

Sincerely,

Neil Barten
Acting Region I Supervisor

Cc: Dale Rabe, Dave Person, Boyd Porter, Patricia O'Connor

Attachment - 3

Figure 1

A Correct Analysis:

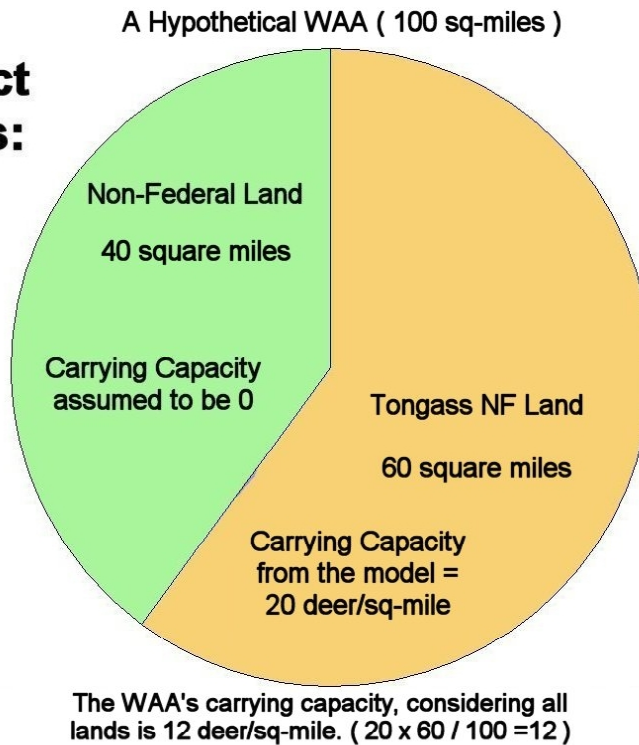
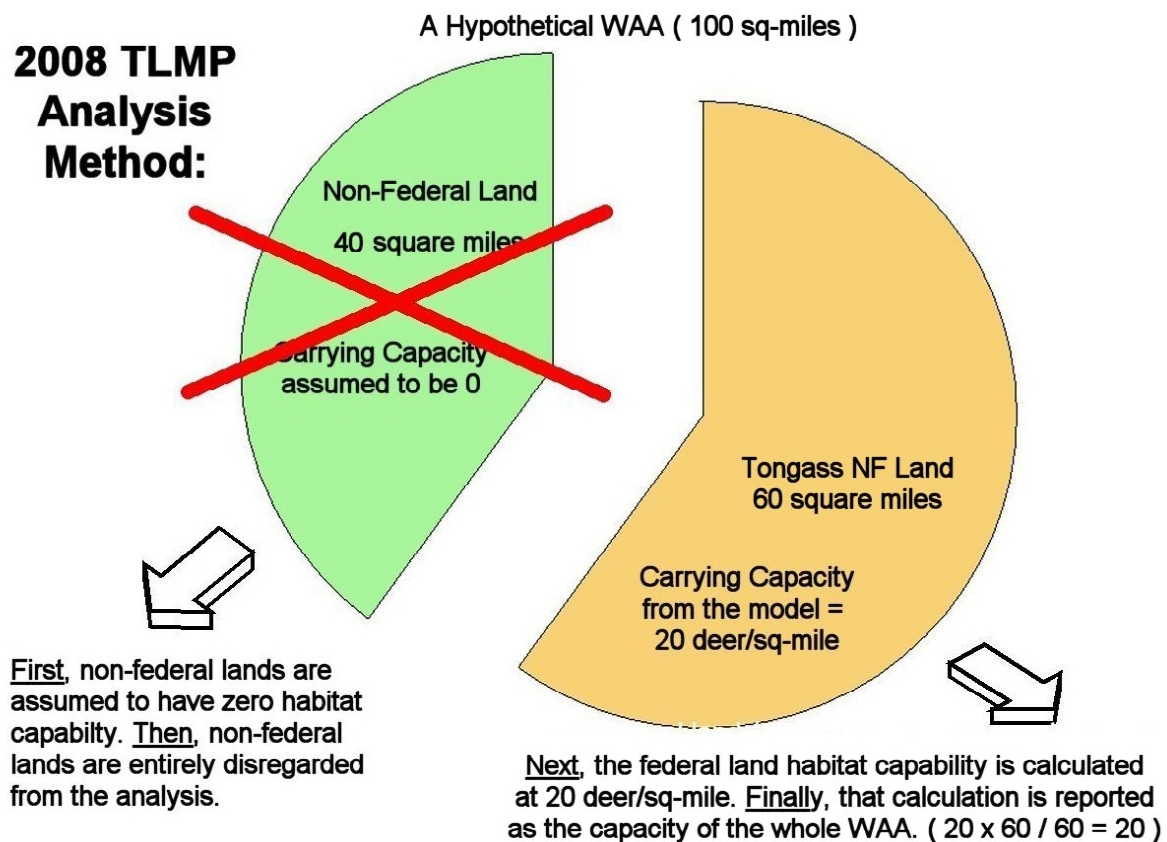


Figure 2

2008 TLMP Analysis Method:



Attachment - 4

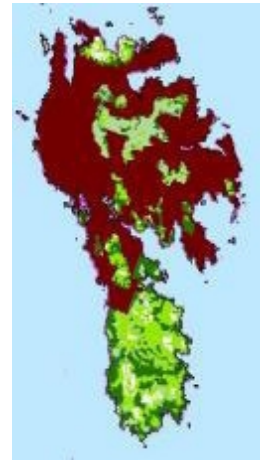
2. *A Crippling Error from the DEIS Remains Uncorrected, in How Deer Habitat Degradation on Non-Federal Lands Has Been Accounted for in the Analysis.*

The FEIS asserts in one place but contradicts in another that, "(l)ands under non-federal ownership have an assumed habitat capability of zero (see discussion below)"¹⁴ for deer modeling. On the very next page it says, "Effects on winter range habitat capability by WAA, as indicated by changes in HSI scores, are displayed in Table 3.10-7. This does not include any State, City, or private land."¹⁵ The first statement represents standard operating procedure since adoption of the 1997 Forest Plan, and likely is true in the present analysis (although we have not verified that).

The second statement is also true; however, it is not the same thing as the first because that one is an assumption of no habitat value and this one is an assumption of no land area. The second statement indicates a grave misunderstanding, and unfortunately it was executed in the analysis. One of the appellants pointed out the error in DEIS comments.¹⁶ The comment and response are in an FEIS appendix at H-177:

Comment: "The Draft EIS evaluates reductions in deer habitat capability on Tongass National Forest lands only and disregards substantial past and future anticipated losses on other land ownerships in the region."

Response: "The Draft EIS states that for the deer habitat capability analysis, lands under non-federal ownership have an assumed habitat capability of zero because these lands have been, or will be, developed for intensive timber production and are expected to have lower habitat capability over time."



The response missed the point entirely, answering oranges to apples. The error is repeated in FEIS Table 3-10.7, which has a Footnote 1 for the WAA column that says, "Includes only National Forest System lands." The consequence of this mistake, which affects many WAAs in the table, is most apparent by looking at the entry for Long Island, which is WAA 1106. The island comprises the entire WAA. As shown on this map,¹⁷ the private lands that occupy the bulk of Long Island have been ravaged with an immense, continuous clearcut, and the small southern peninsula is national forest. Despite the heavy impact to Long Island, the FEIS table shows that 99% of the 1954 habitat capability remains today, and will continue to remain to the end of the 100 year planning horizon for all of the alternatives. NO WAY! It is as if no logging ever happened on this island.

¹³ That said, the data has some anomalies that need attention: Long Island, probably Woewodski, and likely others that have had non-federal logging. Also, as noted in the FEIS some WAAs should probably be dropped from the list.

¹⁴ 2008 TLMP FEIS at 3-265.

¹⁵ FEIS at 267. See also footnote 1 of Table 3.10-7 and the content of the table.

¹⁶ Greenpeace, 30-April-2007, DEIS comments at 25.

¹⁷ Also included as Exhibit Df-7, map of Long Island showing the vast extent of clearcutting (Red) on private lands that occupy most of the island, and a smaller amount of national forest to the south.

It is difficult to conceive of an analysis that is more deceptive than this one. First, as discussed above it reports percentage changes in habitat quality that have little analytical value, instead of reporting the actual data used to calculate the percentages and which could be compared directly to the standard guideline. But the kicker is, vast areas of some of the most destructive logging in region have been treated in the analysis as if it never happened! Nonetheless, the FEIS asserts, "*Table 3.10-7 illustrates the cumulative effect of timber harvest on estimated deer habitat capability ...*"¹⁸ In truth, it does not — it conceals the cumulative impact.

The decision is clearly arbitrary and capricious. It is based on misstatements and gross analytical errors in the FEIS that adversely affect two important resources (wolves and deer) and two important resource uses (subsistence and sport hunting). The analysis done is not up to the standards NEPA requires. NFMA's requirement of protecting viability is not fulfilled because **the** standard and guideline intended to accomplish that has not been properly applied. ANILCA's objective of protecting subsistence has not be fulfilled either, for the same reason.

We request that the decision be rescinded

3. Significant New Corrections to the Deer Model Delivered Pessimistic Outputs, Causing the Forest Service to Adopt an Inappropriate Analysis Method to Show Otherwise.

The Forest Service acknowledges that the change it made (for this Forest Plan adjustment) from using Vol-Strata data in the deer model to using Size-Density (SDM) data "result(ed) in an overall reduction in average HSI values" and the corresponding deer carrying capacities.¹⁹ The reduction occurred "because more stands would be classified as low volume strata compared (to Vol-Strata)."²⁰ The amount of the reduction was not uniform from one place to another because the previously used data (Vol-Strata) proved to have no correlation to habitat quality.²¹

An additional 30% reduction in modeled carrying capacity occurred when the Forest Service corrected its use of the "deer multiplier" as part of the 2008 TLMP planning effort. "HSI scores from this model range from 0 to 1.3 but were standardized to range from 0 to 1.0 by dividing all values by 1.3, because outputs from such models represent a range from 0 to 100 percent habitat suitability, with higher values indicating higher habitat capability. Greater details are documented in the project planning record."²² This correction was a necessary step to properly implement the relevant science, and the Forest Service had been urged to take it for many years by the public and key scientists.²³

¹⁸ 2008 TLMP FEIS at 3-267, emphasis added.

¹⁹ 2008 FEIS at 3-265-266. See also Caouette et al. 2000 (AR 136), Caouette & DeGayner 2007 (AR 1208), a collection of related documents in AR 1963 (a folder), and ADF&G remarks in the State of Alaska's comments on the 2007 TLMP DEIS (AR Comment-659 at 25 of the attached detailed comments).

²⁰ Id.

²¹ Caouette & DeGayner 2000 (AR 136).

²² 2008 TLMP FEIS at B-31.

²³ E.g. comments and appeals by Greenpeace and others on recent timber sale EIS/EA documents such as Baht, Traitors Cove, Scott Peak, Overlook, and Soda Nick. Also, Attachment 2 (AR 937) to Person et al. 1997 and Person & Bowyer 1997; State of Alaska/ADF&G comments on 2007 TLMP DEIS (AR Comment-659 at 24 of attached detailed comments); and ADF&G comments on CSR preliminary report (AR 564 at 6).

Non-Federal Lands Amid the Tongass NF on POW

(from: JLM_016 pp.1977-1982, Oct. 1992 GIS run)

WAAs That Have Non-federal Land	Total Acres	National Forest Acres	Non-Federal Acres	% Non-Federal	Fractional Percent
1529 POW, north tip	71,166	69,166	2,000	3%	0.16%
1528 Salmon Bay	24,587	24,548	40		
1525 Kosciusko, west	48,269	41,749	6,520	14%	
1526 Kosciusko, east	67,547	67,166	381	1%	
1527 Caulder	44,659	42,511	2,148	5%	
1530 Whale Pass	64,787	62,603	2,185	3%	0.00%
1003 Heceta	44,574	44,574	0		
1531 Sea Otter Sound	36,749	36,107	643	2%	
1422 Sarkar, Naukati, Staney	126,082	122,829	3,253	3%	
1421 Logjam	92,689	91,410	1,279	1%	
1420 Coffman Cove	47,017	42,618	4,399	9%	0.40%
902 San F., Maurelles, Baker, Lulu, Noyes	107,963	106,424	1,538	1%	
1323 Nossuk Bay (west of Staney & Shaheen)	40,880	38,693	2,187	5%	
1318 Craig, Klawock, Big Salt	127,108	59,161	67,947	53%	
1319 S. Honker & the Rios	104,462	104,042	420		
1315 Kasaan & Thorne Bay	97,479	63,558	33,921	35%	0.37%
1316 Karta	40,888	39,688	1,199	3%	
901 Suemez	37,184	37,184	0		
1332 Soda Bay	85,080	65,920	19,160	23%	
1317 12-Mile & Soda Nick	70,377	61,765	8,612	12%	
1214 12-Mile & Skowl Arm	97,556	74,233	23,323	24%	0.00%
1212 Cholmondeley, north	37,584	37,444	140		
1105 Dall Island	164,258	104,250	60,008	37%	
1106 Long Island	31,000	7,705	23,294	75%	
1107 Hydaburg area	213,684	150,976	62,708	29%	
1211 Cholmondeley, south	60,876	44,003	16,873	28%	0.00%
1213 Cholmondeley, west	34,747	34,427	320	1%	
1210 Moira Sound	89,410	85,924	3,486	4%	
1108 S. POW Wilderness	85,446	85,446	0		
1209 Cape Chacon	82,973	82,495	478	1%	

The table is organized from north to south, in tiers that run generally west to east.

WAAs with no non-federal land are not shown, except two where subsequent land conveyances are known to have occurred.

WAA descriptions and the calculated percentages have been added